

REMARKS

The Official Action of June 4, 2003, has been carefully reviewed. The claims in the application are now claims 1-8, 17-26 and 37, and these claims define patentable subject matter warranting their allowance. Accordingly, applicants respectfully request favorable reconsideration and allowance.

The previously non-elected claims 7 and 21-24 should now be rejoined and allowed, along with the other claims. Such is respectfully requested.

Claim 6 has been again been rejected under the second paragraph of §112 as indefinite. Applicant respectfully repeats by reference the Remarks from the preceding Reply concerning this issue. Applicant submitted evidence supporting applicant's position which for some reason has not been accepted by the PTO.

Regardless, the matter is now resolved by splitting claim 6 into two separate claims, namely claim 6 as amended above and new claim 37. This should resolve the issue.

Clearly, such an amendment imposes no limitations on applicant's invention. Claims 6 and 37 together cover the same subject matter as claim 6 previously covered.

Claims 1-6, 8, 17-20, 25 and 26 have again been rejected over the previously applied prior art under §103.. The rejection is again respectfully traversed.

First, applicant respectfully repeats by reference the arguments against this rejection which appeared in the preceding Reply.

Regardless, the matter should now be resolved by the amendments presented above in independent claims 1, 17 and 18, as well as the amendments made in the dependent claims 8 and 26, wherein compounds with Y being a methylene are no longer recited¹. Thus, the claims as now amended are directed to the use of compounds in which the ring is six-membered or more, or wherein Y is -CH(OH)- or -C(=O)-.

While the Office Action is specific only with respect to the patentability of the method employing 1,3-cyclic glycerophosphates, it should be clear that the other two possibilities, namely 1,3-propandiol phosphate and dihydroxyacetone phosphate are also not anticipated or made obvious by the cited prior art.

Applicant respectfully requests withdrawal of the rejection.

¹ This amendment is made without prejudice to applicant's rights to pursue such now canceled subject matter in a continuing application without prejudice and without any penalty whatsoever, such rights including those under §§120 and 119.

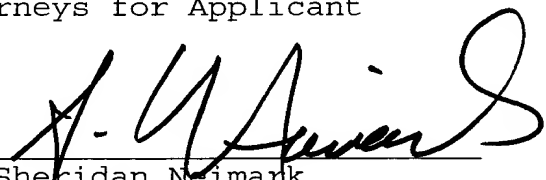
Page 3, line 15 of Paper No. 13, the Office Action mailed December 3, 2002, refers to "the evidence of Parish et al. and Vann Oosten et al." Applicants are unaware of these documents and they do not appear to be cited of record. Applicant respectfully requests the PTO to provide copies of these two documents and to cite them of record on a form PTO-892; or to clarify the record concerning these two documents and to strike reference to them in Paper No. 13.

Applicant believes that all issues have been resolved. Accordingly, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


Sheridan Neimark
Registration No. 20,520

SN:jaa
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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